

Prisoners Reimburse County Taxpayers

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The cost of maintaining prisoners typically represents a major portion of county budgets. According to the 1991 *Corrections Yearbook*, the average budget for seventy-six jails reporting nationwide was \$24.5 million. The average daily cost per prisoner was \$45.64. To many taxpayers, it seems unfair to be burdened with providing food, clothing, shelter, medical, and other expenses for persons convicted of criminal wrongdoing. The taxpayer also must bear costs for offender apprehension and prosecution, as well as, in many cases, high insurance premiums for the county.

Michigan's Prisoner Reimbursement to the County Act allows counties to collect fees of up to \$30 a day, or actual per diem costs, from inmates during the entire period of their incarceration.

In Macomb County, Michigan (population 717,400), the cost of operating the county jail in 1991 was approximately \$17.6 million, nearly 11 percent of the county's total operating budget. Recent studies by the county reveal that it costs approximately \$56 a day to house each prisoner in Macomb County.

Responding to the continuing upward spiral of the jail's operating costs, Sheriff William H. Hackel and the Macomb County Board of Commissioners in 1985 initiated the Jail Reimbursement Program under provisions of the 1984 Prisoner Reimbursement to the County Act.

State Legislation

The governor of Michigan signed the Prisoner Reimbursement to the County Act on June 4, 1984. It allows counties to collect fees of up to \$30 a day, or actual per diem costs, from inmates during the entire period of their incarceration. Payment may be collected for time spent in detention, both pre-trial and following conviction, from prisoners who can be shown able to bear the cost of their incarceration.

Under the statute, a county can file a civil action suit up to six months following

release from jail against an inmate who does not pay fees due the county. The county can also seek a restraining order preventing a prisoner, pending a hearing, from disposing of property.

The statute is not designed to assess offenders with only moderate

resources. Many jail inmates are either so poor or otherwise burdened with financial obligations that they cannot be charged for the full cost of their incarceration. On the other hand, some are sufficiently affluent that it seems offensive for them to live at taxpayers' expense while serving their sentences.

Macomb County's Reimbursement Program

The Macomb County Jail Reimbursement Program was implemented to seek reimbursement from prisoners to defray the high costs of operating the county jail. During the program's first seven years, the county has collected more than \$2 million from prisoners, to partially pay back Macomb County taxpayers for incarceration costs. The money generated through the program offsets a portion of the room and board expenses of inmates serving sentences up to one year and those in the jail work release program.

Other expenses incurred by prisoners, such as for medical and dental treatment, are also charged to their computerized reimbursement accounts and, upon the offender's release, billed to the responsible party. In some cases, a medical insurer is invoiced.

A prisoner is never denied medical or dental services because of an

inability to pay. In accordance with standards of the National Commission on Correctional Health Care, Macomb County does not charge for a physical examination within the first fourteen days of incarceration. After this, however, inmates are charged \$10 for each self-referred visit to a physician or dentist. The fee structure has resulted in a significant reduction of medical and dental consultations, and has also reduced costs to the county for the additional security staff required for often-unwarranted visits, as well as for related pharmaceuticals, hospitalization, and outpatient services.

Indigent prisoners receive medical and dental care equal to community standards. A record of the cost owed is maintained in case they are able to pay at a later time. Macomb County receives an average total reimbursement for medical and dental services alone of nearly \$25,000 annually.

Collection Methods

To support collections, the Macomb County Board of Commissioners authorized funding of approximately \$76,000 to collect an average of \$274,436 annually. The funding supports a full-time reimbursement coordinator, a part-time secretary, computerized billing, and mailing costs. The county's management information services department provides computer access, accounting, and billing services. County counsel assists in pursuing legal collection alternatives. Sheriff

Department staff assist in locating former prisoners who are behind in their payments and initiating civil processes against them.

All charges incurred by the prisoner are billed on a sliding scale. Prisoners are

billed for room and board, work release, physician and dentist visits, medication, and hospital medical treatment. An average of 595 accounts is billed monthly; more than 18 percent result in payment.

The county sends invoices at thirty, sixty, and ninety days after a prisoner is released from jail. If payment is not received in response to billing alone, the county may initiate an alternative means of collection. The extent to which the county follows up on those who do not respond depends on the ability of the former inmate to pay. For example, there is no follow up on an indigent person, but a relatively wealthy person would continue to be pursued for payment. All former prisoners are billed; the county receives payment from about 15 to 20 percent.

Litigation of approximately 140 cases per year in the circuit and district courts assists in pursuing legal collection alternatives. Since 1985, when the Macomb County Jail Reimbursement Program was initiated, 447 former prisoners have been taken to court for judgments ordering reimbursement of partial incarceration costs.

To enforce the demand for payment, the county often uses garnishments, writs of execution, and collection agencies. Other methods include

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claims to probate estates and interception of state income tax refunds. For a period of time, an Order Holding Funds was used to attach monies posted by defendants for release on bond. These funds were held in escrow until cases were finally adjudicated. Costs for previous incarcerations were paid out of escrow if reimbursement was still owed. Attaching bond monies is the only collection method that has been challenged; the issue has not been finally adjudicated.

Macomb County has the largest and most successful jail reimbursement program in the state. From its implementation in 1985 through the first quarter of 1992, the program has collected a total of \$2,048,184 for placement in the county general fund as partial reimbursement to taxpayers.

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